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CHARLES ELMORE CROPLEY
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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1945

NOS. 48 AND 64

UNIVERSAL OIL PRODUCTS COMPANY,
Petitioner,

vs.

ROOT REFINING COMPANY,
Respondent.

MOTION FOR LEAVE TO FILE BRIEF AND TO ARGUE ORALLY.

J. BERNHARD THIESS,
THORLEY VON HOLST,
pro se, and on behalf of
Skelly Oil Company,
Globe Oil & Refining Company (of Illinois),
Eldorado Refining Company,
Globe Oil & Refining Company (of Kansas),
Rock Island Refining Company, and
Anderson Prichard Oil Company.

SIDNEY NEUMAN,
ROBERT W. POORE,
Of Counsel.

THE TWENTIETH CENTURY PRESS, INC., CHICAGO

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1945

UNIVERSAL OIL PRODUCTS COMPANY, *Petitioner*, *vs.* ROOT REFINING COMPANY, *Respondent.*	Nos. 48 and 64

MOTION FOR LEAVE TO FILE BRIEF AND TO ARGUE ORALLY.

J. Bernhard Thiess and Thorley von Holst, members of the bar of this Court, respectfully move this Honorable Court for leave to file herein a Brief, and to present an oral argument, in support of the decision below, and for grounds of their Motion they say:

1. They were attorneys for the defendant Root Refining Company in the above entitled cause at all times up to January, 1939, when said defendant took a license under petitioner's patents, and made a settlement for alleged past infringement.

2. They are the parties named in the order of the Court of Appeals for the Third Circuit entered December 29, 1944, directing petitioner to pay to them as costs, fees and expenses the sum of $154,606.57, this order being that under review in the present proceedings.

3. They initiated the proceedings held in the Third Circuit Court of Appeals to determine whether its previously entered judgments of June 26, 1935, were invalid because tainted with fraud, their appearance throughout said pro-

ceedings being as *amici curiae* in the public interest, and also on behalf of the corporations whose names are subjoined, and who were adversely affected by the said fraudulent judgments by reason of petitioner's assertion against them of said judgments as binding adjudications in actions in which they were sued for infringement of the same patents upheld by the said fraudulent judgments.

4. They are the same parties who, pursuant to leave of this Court, filed a brief in opposition to the petitions for writs of certiorari filed herein.

5. They are not advised whether this motion is necessary in view of their direct interest as aforesaid, but as they are not named as respondents, and as Root Refining Company, which alone is so designated, is not appearing herein, and did not participate in the proceedings had in the Circuit Court of Appeals for the Third Circuit which the petitioner seeks to have set aside, they present the motion in order that no step may be omitted that might be deemed a condition to their being heard in this Court.

J. BERNHARD THIESS,

THORLEY VON HOLST,

pro se, and on behalf of
Skelly Oil Company,
Globe Oil & Refining Company (of Illinois),
Eldorado Refining Company,
Globe Oil & Refining Company (of Kansas),
Rock Island Refining Company, and
Anderson Prichard Oil Company.

SIDNEY NEUMAN,
ROBERT W. POORE,
Of Counsel.